

D99/11369  
RAC0005LBA

**UNDERTAKING  
PURSUANT TO SECTION 87B OF THE TRADE PRACTICES  
ACT 1974**

Given by: GE LIGHTING AUSTRALIA LIMITED (ACN 005 609 218).

In favour of: TRADE PRACTICES COMMISSION

**Whereas:**

- A. GE Lighting Australia Limited ('GELA') has used the Advance Australia Foundation *Australian Made* certification mark ('the mark'), without the license or approval of the registered proprietor of the mark.
- B. The Trade Practices Commission, having conducted an investigation, has formed the view that GELA, by using the mark without licence or approval, has represented that goods have a sponsorship or approval that they do not have and thereby contravened section 53(c) of the Trade Practices Act 1974.
- C. GELA, upon being informed of the Commission's view, acknowledges that its unlicensed use of the mark on both the electronic ballasts and the packaging of the GE Energy Choice range of lighting, as well as the brochure entitled *GE Energy Choice, Brightening your life...lightening your cost*, may constitute a contravention of section 53(c) of the Trade Practices Act 1974.

**Undertaking:**

GELA, whether by its servants or agents or howsoever, hereby undertakes as follows:

- (i) to cease and desist using the mark on any goods or documentation; unless the appropriate license is first obtained from the Advance Australia Foundation ('AAF').
- (ii) to take all reasonable steps to withdraw, or repackage and relabel, all product or promotional material which uses or bears the mark, unless the appropriate license is obtained from the AAF.
- (iii) to establish and implement an education and training program designed to ensure that its Directors, servants and agents are aware of their, and GELA's responsibilities under the Trade Practices Act 1974.

- (iv) to provide a statement signed by Mr Barrie Cecil Smart, a Director of GELA, on or before 1 April 1995, detailing the measures taken by GELA to comply with this undertaking.
- (v) GELA acknowledges and accepts that this undertaking in no way derogates from the rights or remedies available to any other person arising from the conduct referred to herein.
- (vi) GELA acknowledges and accepts that this undertaking will be placed on the Commission's Public Register and may be referred to from time to time at the Commission's absolute discretion.

IN WITNESS OF THESE UNDERTAKINGS

the Common Seal of )  
 GE LIGHTING AUSTRALIA LIMITED )  
 (ACN 005 609 218) the authority )  
 of the Board of Directors previously )  
 given in the presence of: )



*[Signature]*  
 Director

This *SIXTEENTH* day of September 1994

ACCEPTED BY THE TRADE PRACTICES COMMISSION PURSUANT TO SECTION 87B OF THE TRADE PRACTICES ACT 1974.

*[Signature]*  
 Professor Allan Fels  
 CHAIRMAN

This *21<sup>st</sup>* day of September 1994.